

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE OF NEW HAMPSHIRE

Complainant:

v.

MANCHESTER FIREFIGHTERS' ASSOCIATION,
LOCAL 856, IAFF, AFL-CIO

and

STATE EMPLOYEES' ASSOCIATION OF NEW
HAMPSHIRE, INC., ITS OFFICERS, EXECUTIVE
BOARD AND MEMBERS

Respondents:

CASE NO. M-0520

DECISION NO. 780040

TEMPORARY ORDER
PENDING FULL HEARING

APPEARANCES

Representing the State of New Hampshire:

David Marshall, Esq., Assistant Attorney General
Wilbur A Glahn III, Esq., Assistant Attorney General

Representing the State Employees' Association of N. H., Inc.:

Denis W. Parker, Executive Director
Howard J. Zibel, Esq., Counsel

Representing the Manchester Firefighters' Association, Local 856, IAFF:

Martin E. Pierce, International Vice President
Thomas J. Houghton, State Representative, IAFF

BACKGROUND

Following the sick-out and other related job actions by the firefighters of the City of Manchester (see Case No. F-0104:3, Decision No. 780039) and the various orders of the Hillsborough County Superior Court, the firefighters defied said orders and refused to work as ordered by the Board and the Court and continued to engage in illegal activities, including picketing and demonstrating at various city and state installations where SEA members work and/or have business with the City on behalf of the State. Pickets were withdrawn from State offices and institutions almost as soon as posted and SEA members were instructed to report to work on September 14. However, SEA members were publicly urged to honor the picket lines at city offices by the Executive Board of the SEA as was admitted by the Executive Director, Denis W. Parker, who also admitted that this action can result in the withholding of services from the State by SEA members who have business with the City in the normal course of their duties.

A hearing was held on the unfair labor practice complaints against the SEA and the Firefighters on September 14, 1978. All parties were present.

Charges against the Firefighters were resolved by stipulations at the hearing.

FINDINGS

SEA members have been urged to engage in an illegal withholding of services from the State. This is prohibited by RSA 273-A:13. The action of the organization is totally without justification and in flagrant violation of State law. Said employees are not a party to the dispute between the firefighters and the City and are acting in violation of their contract with the State. The SEA admitted its participation and public statements are partially for the purpose of changing state law, a purpose better directed to the Legislature.

ORDER

The Board issues the following order under RSA 273-A:6, III:

1. All employees of the State of New Hampshire, SEA members, SEA officers and Executive Board are hereby ordered to fully perform their duties including all business with the City of Manchester regardless of the presence of picket lines and are ordered to enter such City buildings regardless of such picket lines and to cease and desist refusal to do so.
2. The Officers and Executive Board of said union are hereby directed to instruct their members to comply with this order.
3. The Board orders the labor organization to report its compliance with this order to the Board twenty-four hours after its service on that labor organization.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Date: September 15, 1978

Time: 10:30 a.m.

Board members Allman, Cummings and Moriarty also voting. Board Member James C. Anderson did not vote on this decision. Board Clerk, Evelyn LeBrun and Board Counsel Bradford Cook also present.